

SUBJECT ACCESS REQUEST

Applicants have the right to request access to the data relating to their visa application recorded with the member state processing the application and at the Central VIS. Applicants have also the right to rectify, and in appropriate circumstances, erase any inaccurate or incomplete personal data which is being processed, or request deletion of unlawfully processed data.

In the case of Malta, requests for access of data made by telephone or verbally will not be entertained. Requests should be submitted in writing (e-mail or letter) to the mission concerned where the applications have been submitted or directly to the Ministry of Foreign Affairs on the following contacts:

Address: Data Protection Officer

Ministry of Foreign Affairs
Palazzo Parisio,
Merchants' Street,
Valletta, VLT 2000

Email: dataprotection.mfa@gov.mt

Applicants should provide the following identification details:

- Name and surname of applicant;
- ID Card or Passport No;
- Visa No/Application No.;
- What particular details he/she would like to see.

In case where the application form was not submitted to Malta, the authorities of the Member State responsible will be contacted and these shall check the accuracy of the data and the lawfulness of their processing in the VIS. If it emerges that data recorded in the VIS are inaccurate or have been recorded unlawfully, the Member State responsible shall correct or delete the data. The Member State responsible shall confirm in writing to the person concerned without delay that it has taken action to correct or delete data relating to him. The Maltese authorities will take all action as indicated above where necessary.

If on the other hand, the Member State responsible does not agree that data recorded in the VIS are inaccurate or have been recorded unlawfully, it shall explain in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him.

In case where there is lack of agreement with the Maltese authorities, the applicant may further address his/her complaints to the national supervisory authority, the Information and Data Protection Commissioner (IDPC), on the following contacts:

Address: Office of the Information and Data Protection Commissioner,
Airways House, Second Floor,
High Street,
Sliema SLM 1549
MALTA.

Email: idpc.info@gov.mt

The IDPC has the function to hear claims and take such remedial action as he deems necessary or as may be prescribed under the Data Protection Act, and to inform such data subjects of the outcome. Complaints and queries may be also lodged directly through the Information and Data Protection Commissioner's website: www.idpc.gov.mt.

Any person aggrieved by a decision of the Commissioner shall have the right to appeal in writing to the Data Protection Appeals Tribunal within thirty days from the notification of the decision. Appeals may be made on any of the following grounds:

- (a) that a material error as to the facts has been made;
- (b) that there was a material procedural error;
- (c) that an error of law has been made;
- (d) that there was some material illegality, including unreasonableness or lack of proportionality.

Any party to an appeal to the Tribunal who feels aggrieved by a decision of the Tribunal may subsequently and on a question of law appeal to the Court of Appeal by means of an application filed in the registry of that court within thirty days from the date on which that decision has been notified.